

Message Text

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PAGE 01 MEXICO 03435 190129Z

72

ACTION SCS-03

INFO OCT-01 ARA-06 ISO-00 SCA-01 SNM-02 L-02 DEAE-00

JUSE-00 SY-05 H-02 FBIE-00 SS-15 NSC-05 PRS-01 /043 W

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P 182357Z APR 75

FM AMEMBASSY MEXICO

TO SECSTATE WASHDC PRIORITY 7320

LIMITED OFFICIAL USE MEXICO 3435

E.O. 11652: N/A

TAGS: CASC, MX

SUBJ: W/W: ARREST & DETENTION

REF: (A) STATE 078772 AND PREVIOUS; (B) MONTERREY 226 AND
PREVIOUS.

1. DCM CALLED ON UNDERSECRETARY GALLASTEGUI IN APRIL 16 TO DISCUSS VIOLATION OF LEGAL AND HUMAN RIGHTS OF U.S. CITIZENS. LATTER IMMEDIATELY SUMMONED JURIDICAL COUNSELOR ROSENZWEIG-DIAZ TO JOIN MEETING. DCM HANDED OVER AIDE-MEMOIRE GIVING FACTS IN CASES OF LONG (REF. A) AND RIFE (REF. B) AND EXPRESSING CONCERN OVER USE OF PLANTED EVIDENCE IN LONG CASE AND INEQUITABLE TREATMENT IN RIFE CASE (COPIES OF AIDE-MEMOIRE BEING POUCHED TO DEPARTMENT). DCM ALSO HANDED OVER COPIES OF SEVERAL PREVIOUS PROTESTS REGARDING MISTREATMENT OF ARRESTED AND IMPRISONED US CITIZENS AND VIOLATION OF OTHER LEGAL RIGHTS OF U.S. CITIZENS TO WHICH NO REPLY HAD BEEN RECEIVED DESPITE REPEATED WRITTEN AND ORAL REMINDERS. THESE INCLUDE NOTES ON FAILURE TO SENTENCE WITHIN CONSTITUTIONALLY PRESCRIBED TIME PERIOD, RECOVERY OF AIRCRAFT, MISTREATMENT OF PRISONERS, ETC.

2. DCM EXPLAINED THAT HE WAS BRINGING UP TREATMENT OF ARRESTED AND IMPRISONED US CITIZENS AT POLITICAL LEVEL NOT ONLY BECAUSE OF LACK OF RESPONSE AT WORKING LEVEL
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PAGE 02 MEXICO 03435 190129Z

BUT ALSO MATTER COULD BECOME PUBLIC ISSUE BETWEEN U.S.

AND MEXICO AS RESULT FORTHCOMING CONGRESSIONAL HEARINGS.
DCM ADDED THAT FAILURE OF SECRETARIAT TO REPLY TO U.S.
REPRESENTATIONS ON ISSUE OF VIOLATION OF LEGAL AND HUMAN
RIGHTS OF U.S. CITIZENS COULD NOT BE JUSTIFIED OR
EXTENUATED.

3. ROSENZWEIG-DIAZ ARGUED THAT HERE WAS NO BASIS FOR
U.S. PROTEST RE LONG AND RIFE CASES BECAUSE THE PLANTED
EVIDENCE (IF THE ALLEGATION WAS TRUE) WAS NOT USED AGAINST
LONG, AND THE IMPRISONMENT OF RIFE WAS IN FULL ACCORD WITH
MEXICAN LAW ON NARCOTICS OFFENSES. HE ALSO CITED MEXICAN
COOPERATION WITH U.S. ON DRUG ENFORCEMENT. DCM REPLIED
EMBASSY WAS AWARE OF THE STRICT LEGALITIES OF BOTH CASES
AND WAS NOT PROTESTING BUT DRAWING ATTENTION OT PROCESURES
THAT WERE CONTRARY TO MEXICO'S OWN INTERESTS IN THE
LONG CASE AND INEQUITABLE IN THE RIFE CASE. GALLAS-
TEGUI SAID HE RECOGNIZED THE POLITICAL IMPLICATIONS OF
THE MATTER AND UNDERSTOOD U.S. CONCERNS, BUT HOPED U.S.
WOULD IN TURN UNDERSTAND THAT BUREAUCRATIC PROBLEMS
DEVELOP OCCASIONALLY IN SUCH MATTERS. HE PROMISED TO
LOOK INTO THE LONG AND RIFE CASES AND THE UNANSWERED
NOTES AND TO GET IN TOUCH WITH THE EMBASSY AS SOON AS
POSSIBLE.

4. DCM ALSO TOOK OCCASION TO SHOW GALLASTEGUI THE
LETTER OF JANUARY 30 TO SECRETARY KISSINGER FROM JAMES
FINLEY CONCERNING THE UNWARRANTED MISTREATMENT OF FINLEY'S
SON BY THE MEXICAN ARMY AND ASST. SECRETARY ROGERS' REPLY
OF FEBRUARY 18. GALLASTEGUI EXPRESSED REGRETS.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 18 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975MEXICO03435
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750137-0427
From: MEXICO
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750438/aaaabjpp.tel
Line Count: 91
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SCS
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 STATE 078772, 75 MONTERREY 226
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 10 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <10 SEP 2003 by BoyleJA>; APPROVED <11 SEP 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: W/W: ARREST & DETENTION
TAGS: CASC, MX
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006